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11
12 **UNITED STATES DISTRICT COURT**
13
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
15
16 **SAN JOSE DIVISION**

17 VALLAVISTA CORPORATION, a
18 California corporation,

19 Plaintiff,

20 vs.

21 AMAZON.COM, INC., a Delaware
22 corporation, TARGET CORPORATION,
23 a Minnesota corporation, EBAGS, INC., a
24 Colorado corporation, EMPORIUM
25 LEATHER COMPANY, INC., a New
26 Jersey corporation, doing business as
27 ROYCE LEATHER, and FASHION
28 HANDBAGS, INC., a Nevada
corporation, doing business as BO BO
BAGS,

Defendants.

Case No.: C07-05360 PVT

**CERTIFICATE OF SERVICE OF
SUMMONS, COMPLAINT AND
SUPPLEMENTARY MATERIAL
PURSUANT TO LOCAL RULE 4-2. AND
ATTACHING RETURN OF SERVICE
FORM UPON TARGET CORPORATION, A
MINNESOTA CORPORATION**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): RANDICK O'DEA & TOOLIATOS, LLP ATTORNEYS AT LAW 5000 HOPPYARD ROAD, SUITE #400 PLEASANTON, CA 94588 TELEPHONE NO. (925) 460-3700 FAX NO. (Optional) (925) 460-0969 EMAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY
COURT NAME: UNITED STATES DISTRICT COURT STREET ADDRESS: 312 NORTH SPRING STREET MAILING ADDRESS: 312 NORTH SPRING STREET CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL DIST.-WEST		
PLAINTIFF/PETITIONER: VALLAVISTA CORPORATION DEFENDANT/RESPONDENT: AMAZON.COM, INC., ET AL		CASE NUMBER: C0705360
PROOF OF SERVICE SUMMONS		Ref No. or File No. 0V239270-02

(Separate proof of service is required for each party served)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of
- a. ☐ summons
- b. ☐ complaint
- c. ☐ Alternative Dispute Resolution (ADR) package
- d. ☐ Civil Case Cover Sheet (served in complex cases only)
- e. ☐ cross-complaint
- f. ☒ other (specify documents):
SEE ATTACHED LIST OF DOCUMENTS;
3. a. Party served (specify name of party as shown on documents served):
TARGET CORPORATION, A MINNESOTA CORPORATION
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
MARGARET WILSON, AGENT FOR SERVICE OF PROCESS
4. Address where the party was served: 818 WEST SEVENTH STREET
LOS ANGELES, CA 90017
5. I served the party (check proper box)
- a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): October 30, 2007 (2) at (time): 03:20 pm
- b. ☐ by substituted service On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
- (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3) ☐ (physical address is unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
- (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: VALLAVISTA CORPORATION	CASE NUMBER: C0705360
DEFENDANT/RESPONDENT: AMAZON.COM, INC., ET AL	

- c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.

(1) on (date):

(2) from (city):

- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* (form 982(a)(4)) and a postage-paid envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt* (form 982(a) (Code Civ. Proc., § 415.30.)

- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The Notice to the Person Served (on the summons) was completed as follows:

- a. ☐ as an individual defendant.

- b. ☐ as the person sued under the fictitious name of (specify):

- c. ☐ as occupant.

- d. ☒ On behalf of (specify): TARGET CORPORATION, A MINNESOTA CORPORATION

under the following Code of Civil Procedure section:

☒ 416.10 (corporation)

☐ 415.95 (business organization, form unknown)

☐ 416.20 (defunct corporation)

☐ 416.60 (minor)

☐ 416.30 (joint stock company/association)

☐ 416.70 (ward or conservatee)

☐ 416.40 (association or partnership)

☐ 416.90 (authorized person)

☐ 416.50 (public entity)

☐ 415.46 (occupant)

☐ other:

7. Person who served papers

- a. Name: KEN MELENDEZ

- b. Address: 1891 Goodyear Avenue, Suite 620, Ventura, CA 93003

- c. Telephone number: (805) 644-8014

- d. The fee for service was: \$ 51.13

- e. I am:

- (1) ☐ not a registered California process server.

- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).

- (3) ☒ registered California process server:

- (i) ☐ Owner ☐ employee ☒ independent contractor.

- (ii) Registration No.: 5403

- (iii) County: LOS ANGELES

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

OR

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: November 12, 2007

KEN MELENDEZ

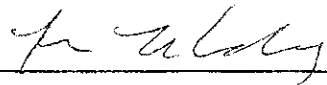
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHALL)


(SIGNATURE)

LIST OF DOCUMENTS SERVED

Complaint, Summons, Order Setting Initial Case Management Conference and ADR Deadlines, Standing Order Regarding Case Management in Civil Cases, Civil Case Cover Sheet, Standing Order for Civil Practice in Cases Assigned for All purposes to Magistrate Judge Patricia V. Trumbull, Declination to Proceed Before a Magistrate Judge and Request for Reassignment to a United States District Judge, Consent to Proceed Before a United States Magistrate Judge, Notice of Assignment of Case to a United States Magistrate Judge, ECF Registration Information Handout, United States District Court Guidelines, Northern District of California San Jose Division Hearing Schedules, Standing Order for Discovery Practice in All Cases Referred to Magistrate Judge Patricia V. Trumbull For Discovery, Standing Order for All Judges of the Northern District of California Contents of Joint Case Management Statement

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me ¹		DATE 10-30-2007
Name of SERVER KEN MELENDEZ		TITLE REGISTERED CALIFORNIA PROCESS SERVER
<i>Check one box below to indicate appropriate method of service</i>		
<input checked="" type="checkbox"/> Served Personally upon the Defendant. Place where served:	C/O C.T. CORPORATION MARGARET WILSON, AGENT FOR SERVICE TARGET CORPORATION, A MINNESOTA CORPORATION 818 W. SEVENTH STREET LOS ANGELES, CA 90017	
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
	\$51.13	\$51.13
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>NOVEMBER 28, 2007</u> <small>Date</small>	<div style="text-align: center;">  <small>Signature of Server</small> 1891 GOODYEAR AVE., STE. 620 VENTURA, CA 93003 <small>Address of Server</small> </div>	
(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure		